

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/27/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Letters of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke SouthPoint Bank Letter of Credit No. 95123457 for Nature's Landing at the Reserve Phase 2 Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 9-19-12

RESOLUTION NO. 12-_____

WHEREAS, SouthPoint Bank issued a certain letter of credit (No. 95123457), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to SouthPoint Bank Letter of Credit No. 95123457, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 27th day of September, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 27th day of September, 2012.

Mayor of the City of
Huntsville, Alabama

SOUTHPOINT BANK

3500 Colonnade Parkway, Suite 140
Birmingham, Alabama 35243

www.southpointbanking.com

205.503.5000

IRREVOCABLE LETTER OF CREDIT NO. 95123457

Beneficiary

City of Huntsville
P.O. Box 308
Huntsville, Al 35804

Account Party:

SouthPoint Bank
201 Eastside Square
Huntsville, Al 35801

Bank:

SouthPoint Bank
201 Eastside Square
Huntsville, AL 35801

Subject: Article 5 Sidewalk, Letter of Credit for
Nature's Landing at the Reserve Phase 2, a Resubdivision of a portion of Lot
2-A of a resubdivision of Lot 2 Lowe Industrial Park Phase Four and other lands

Amount: \$8,400.00
Issue Date: October 09, 2011
Expiration Date: October 09, 2012

MS
11/16/11

MW
11-17-11

AK
11-18-11

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective
October 09, 2011, for a sum not to exceed the aggregate of \$8,400.00.
Available by your one or more drafts at SIGHT on us.

OK
CEN
11/21/11

All draft(s) drawn under and in compliance with the terms of this Credit prior the
expiration thereof will be duly honored if drawn and presented for payment to SouthPoint
Bank.

Each draft must be accompanied by a statement signed by a representative of the City of
Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the
Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of
the credit will be duly honored upon presentation and delivery of the documents as
specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but
not limited to, the Alabama Uniform Commercial Code, as the same may be from time to
time amended.

Frank K. Battle

Frank K. Battle, Chief Lending Officer, SouthPoint Bank

SOUTHPOINT BANK

3500 Colonnade Parkway, Suite 140
Birmingham, Alabama 35243
www.southpointbanking.com
205-503-5000

Natures Landing @
the Reserve Phase
2 + sidewalks

DATE : September 23, 2010

L/C NUMBER: 95123456
AMENDMENT NUMBER: 1

BENEFICIARY:
CITY OF HUNTSVILLE
320 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

MS
9/27/10

OPENER:
SOUTHPOINT BANK
3500 COLONNADE PARKWAY SUITE 140
BIRMINGHAM, AL 35243

WE HAVE AMENDED THE CAPTIONED LETTER OF CREDIT AT THE REQUEST
OF THE OPENER.

AMENDED TERMS AND CONDITIONS:

EXPIRATION DATE AMENDED TO: OCTOBER 9, 2011.

THIS AMENDMENT MUST BE ATTACHED TO AND BECOME AN INTEGRAL
PART OF THE ORIGINAL CREDIT. ALL OTHER TERMS AND CONDITIONS
REMAIN UNCHANGED:

SINCERELY,

Daniel A. Keeney
AUTHORIZED SIGNATURE

M 9-29-10

OK

OK
CEB

9/29/10

SOUTHPOINT BANK

Banking on the Future

IRREVOCABLE LETTER OF CREDIT NO. 95123456

Beneficiary:

City of Huntsville
P.O. Box 308
Huntsville, AL. 35804

Account Party:

SouthPoint Bank
201 East Side Square
Huntsville, AL 35801

Bank:

SouthPoint Bank
201 Eastside Square
Huntsville, AL. 35801

Subject:

Article 5 Sidewalk, Letter of Credit for
Nature's Landing at the Reserve Phase 2, a Resubdivision of a portion of Lot 2-A of a
Resubdivision of Lot 2 Lowe Industrial Park Phase Four and other lands.

Amount: \$8,400.00
Issue Date: 10/09/09
Expiration Date: 10/09/10

MS
10/22/09

Signatories:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective October 09, 2009, for a
not to exceed the aggregate of \$8,400.00. Available by your one or more drafts at SIGHT on us.

Draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof
be duly honored if drawn and presented for payment to SouthPoint Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville,
Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will
be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to,
Alabama Uniform Commercial Code, as the same may be from time to time amended.


T. Chris Patty, SR VP
SouthPoint Bank

6/09